

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 8 DC
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ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

JEFFREY BUTLER,

Plaintiff,

VS.

No. 1-04-1160-T-An

ORMET ALUMINUM MILLS
PRODUCTS, et al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

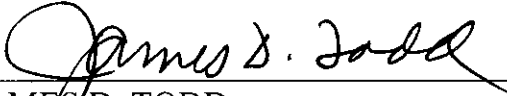
Plaintiff Jeffrey Butler filed a *pro se* complaint against his former employer, Defendant Ormet Aluminum Mills Products, as well as against Defendant West Tennessee Healthcare, Inc., alleging racial discrimination, unlawful termination, and adverse employment action. On December 6, 2004, this court dismissed West Tennessee Healthcare as a party to the action. On April 22, 2005, Plaintiff obtained an entry for default with the Clerk against the remaining defendant, Ormet, under Fed. R. Civ. P. 55(a). Before the court is Plaintiff's motion for default judgment pursuant to Fed. R. Civ. P. 55(b).


Under Rule 55 of the Federal Rules of Civil Procedure, the court may grant a default judgment against a defendant who has failed to file an answer or motion to dismiss within twenty days from the date that the complaint was filed, or within such additional time as the Court has granted. The Rule provides that "[w]hen a party against whom a judgment for

affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Once a party has obtained an entry of default from the Clerk under Rule 55(a), the party may then seek a default judgment pursuant to Rule 55(b). United Coin Meter Co. v. Seaboard Coastline R.R., 705 F.2d 839, 844 (6th Cir. 1983)

Because Defendant has failed to file an answer or otherwise defend this action, Plaintiff's motion for default judgment against Ormet is GRANTED. The matter is hereby REFERRED to Magistrate Judge S. Thomas Anderson for a hearing and report and recommendation on damages.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 1:04-CV-01160 was distributed by fax, mail, or direct printing on June 9, 2005 to the parties listed.

Jeffrey Butler
126 Wilkinson
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT